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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/773,452

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Timothy D. Neveu

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06/01/2004

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EXAMINER

COBURN, CORBETT B

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 06/01/2004

121

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,452

Applicant(s)

NEVEU ET AL.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 15-21, 36-42 and 57-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 22-25 and 43-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 9, 22-25, 30, 43-46 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuno (6,409,604).

Regarding claims 1-3, 9, 22-24, 30, 43-45 and 51, Matsuno teaches a computer readable program and method of designating candidate objects with respect to an initial object in a virtual environment of an information processing system that comprises displaying one or more candidate objects on a display screen; displaying a candidate range indicator on the display screen in response to actuation of a candidate input interface on an input device, the candidate range indicator comprising a visual indication of a candidate range for the initial object; displaying a visual indication in association with a first candidate object in response to the first candidate object intersecting at least a portion of the candidate range indicator on the display screen, the visual indication being associated with a first designation input interface on the input device; and causing a predetermined action from the initial object with respect to the candidate object in response to actuation of the first designation input interface (abstract; Fig. 5; Fig. 21; col. 1, lines 65-67; col. 2, lines 1-12, lines 24-30, lines 53-55 and lines 65-67; Fig. 24).

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Regarding claims 4, 25, and 46, Matsuno teaches all the elements of the claims. Matsuno further teaches that the size of the bounded area is a function of the weapon with which the player object is equipped (col. 13, lines 44-47 and col. 14, lines 6-11).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 26-27 and 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuno (6,409,604).

Regarding claims 5-6, 26-27 and 47-48, Matsuno teaches all the limitations of the claim as discussed above. While Matsuno teaches the use of an input device, Matsuno is silent regarding that input device being a joystick. The examiner takes official notice that it is well known in the art to use joysticks as input devices. Further, it is well known to have a neutral position (no input, where characters remain still) and non-neutral (input, where characters are moved in various directions in XYZ plane) for joystick input devices. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a joystick as the input device in Matsuno to make it easier for the player to quickly manipulate the device, thereby increasing the accuracy of the input.

5. Claims 7-8, 10-14, 28-29, 31-35, 49-50 and 52-56 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Matsuno (6,409,604) in view of Ohnuma et al (6,375,571).

Regarding claims 7-8, 13-14, 28-29, Matsuno teaches all the limitations of the claims as discussed above. Matsuno is silent regarding the feature of displaying an attack icon that is associated with an input interface on an input device. In an analogous gaming system, Ohnuma teaches an icon on the display that is associated with an input interface on an input device (col. 2, lines 25-33; Fig. 10, #204). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the icon of Ohnuma in the display of Matsuno in order to assist the player in using the button that gives the most appropriate input for attacking the enemy character (such as kick, jump, etc.) in order to increase the chances of the players success against the enemy character.

Regarding claims 10-12, 31-35, 49-50 and 52-56, Matsuno and Ohnuma teach the limitations of the claims as discussed above. The references are silent regarding the explicit teaching of the player object attacking the enemy character while facing away from the enemy character. However, the examiner takes official notice that it is well known in the art to have characters facing in various directions, depending on the particular programming of the video game. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Matsuno and Ohnuma in order to enhance the video graphics of the gaming system, thereby making the game more attractive to players.

Response to Arguments

6. Applicant's arguments filed 5 September 2003 have been fully considered but they are not persuasive.

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7. Applicant argues that Matsuno fails to teach a visual indication that is associated with a first designation input device. This is clearly not the case. Figs 13 & 14 show displaying a visual indication (Range Area S11 and Highlight S13) associated with a first designation input interface on the input device. The visual indication is only displayed if magic is selected (S6). Magic may only be selected by use of the input device. This means the visual indication is associated with first designation input interface on the input device – i.e., the part of the input device used to select magic. Furthermore, Matsuno explicitly teaches that the display of the visual indication is in response to an input operation. (Col 2, 21-34)

8. Applicant's argument that the prior art fails to teach, "associating a [particular] controller button input interface with a visual indication of a candidate object" is not commensurate with the scope of the claims.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on (703) 308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


cbc
JESSICA HARRISON
PRIMARY EXAMINER